

REMARKS

By the present amendment, Applicant has amended Claims 1-3, 5, 13, and 14. Claims 1-20 remain pending in the present application. Claims 1, 13 and 15 are independent claims.

Applicant appreciates the courtesies extended to Applicant's representative during the personal interview held December 7, 2005. The present response summarizes the agreement reached. At the interview a proposed amendment to the claims was presented for discussion. Proposed Claim 1 set forth a three sided pocket attachable to any support surface for displaying and distributing business cards. Proposed Claim 13 set forth a three sided pocket having a rear wall attached thereto, and the rear wall is attachable to any support surface for displaying and distributing business cards. Arguments were advanced that the applied prior art failed to teach the specific features of the present embodiments. The Examiner indicated the structure recited in independent Claim 1 distinguished over the applied prior art. On the other hand, the Examiner maintained that the applied prior art obviously satisfied the limitations of independent Claim 13.

The indication by the Examiner in the recent Office Action (date mailed September 23, 2005) that Claims 5, 8-10, 12, and 15-18 would be allowable if rewritten in independent form including all of the limitations of the base claim and of any intervening claims. Claim 15 has been so rewritten.

The Examiner rejected Claims 1-4, 6, 7, 11, 13, 14, 19, and 20 under 35 U.S.C. 103(a) as being unpatentable over Palk et al. in view of Tappenden, and one or more of Marks, Thorp, and Wolff. These rejections are respectfully traversed.

The claims in this application have been revised to more particularly define Applicant's unique construction in view of the prior art of record. Reconsideration of the claims in light of the amendments and for the following reasons is respectfully requested.

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

As discussed during the aforementioned interview, the applied prior art reference to Palk et al. discloses a dispenser for flat articles having a back member defined by four (top, bottom, and two side) edges, and having a peripheral wall upstanding forwardly therefrom. A front member defined by four (top, bottom, and two side) edges, and having a peripheral wall upstanding rewardly therefrom. The bottom edges of both the back member and the front member are hingedly attached to together, so that the front member rotates about the bottom edge thereof. The wall of the front member is dimensioned so as to circumscribe and frictionally engaged the wall of the back member. In addition, the top wall of the back member is hingedly attached to a lid member. The lid member is dimension so as to cover the upper portion of the front member. The upper portion of the front member has an aperture for removing articles contained therein when the lid member is rotated upwardly from the front member.

Likewise, the applied prior art reference to Tappenden discloses dispenser having an enclosure with a hinged door that must be opened to retrieve the contents contained therein. There is no disclosure found in either Palk et al. nor Tappenden that has any semblance of the structure as now recited in independent Claims 1 and 13. Moreover, there is no guidance nor motivation found in the applied prior art references to Palk et al. and

Tappenden, aside from Applicant's own disclosure, that one having ordinary skill in the art would have been lead to arrive at the construct set forth in the instant claims. Applicant respectfully submits that the rejection of Claims 1-4, 13, 19, and 20 under 35 U.S.C. § 103(a) is improper because the Examiner has not established a *prima facie* case of obviousness as required by the statute. Applicant respectfully requests the withdrawal of this particular grounds of rejection.

Further, neither Palk et al. nor Tappenden disclose an attachment border extending from the side and bottom walls of the pocket. With respect to Claim 6, the Examiner further relies on prior art reference to Marks to show peel off backing to effect an adhesive layer for attachment to a support surface. Applicant concedes that the prior art reference to Marks shows a peel off backing to effect an adhesive layer for attachment to a support surface however, the device of Marks does not provide an attachment border, and since neither Palk et al., Tappenden, and Marks teach the attachment border as recited in the present claims, the peel off backing to effect an adhesive layer for attachment to a support surface taught by Marks is non-effect. Applicant respectfully requests the withdrawal of this grounds of rejection.

With respect to Claim 7, neither prior art reference to Palk et al., or Tappenden disclose an attachment border extending from the side and bottom walls of the pocket having a magnetic layer, as recited in the claim. The Examiner relies on the prior art reference to Thorp to show a magnetic backing layer for attachment to a support surface. Albeit, the prior art reference to Thorp discloses a magnetic attachment, Applicant submits that the device of Thorp does not provide an attachment border, and since neither Palk et al., Tappenden, and Thorp teach the attachment border as recited in the present claims, the

magnetic backing layer for attachment to a support surface taught by Thorp is non-effect. Applicant respectfully requests the withdrawal of this grounds of rejection.

With respect to Claims 11 and 14, neither prior art reference to Palk et al., or Tappenden disclose an attachment border extending from the side and bottom walls of the pocket as recited in the claim. The Examiner relies on the prior art reference to Wolff to show a cut out along the upper edge of the front wall. Albeit, the prior art reference to Wolff discloses a cut out, Applicant submits that the device of Wolff does not provide an attachment border, and since neither Palk et al., Tappenden, and Wolff teach the attachment border as recited in the present claims, the cut out along the upper edge of the front wall taught by Wolff is non-effect. Applicant respectfully requests the withdrawal of this grounds of rejection.

Applicant has amended the claims in the instant case to more specifically define the embodiments over the applied prior art references. In addition, Applicant has provided arguments expressing the differences between the instant claims and the applied prior art. Applicant respectfully submits that for at least these reasons, independent Claims 1 and 13 are allowable over the prior art applied of record. A Notice to that effect is earnestly solicited.

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For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,


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